

FILED
AUG 17 2005
BOARD OF OPTOMETRISTS

Susan Gartland
Susan Gartland
Executive Director

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF OPTOMETRISTS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

CHRISTIAN MILLER, O.D.
License No. OA 270A00293300

Final Order

TO PRACTICE OPTOMETRY
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Optometrists (Board) upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is an optometrist in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Renewal of licenses for optometrist occurs biennially (N.J.S.A.45:1-7). In approximately, February 2005, a renewal application for the license period beginning May 1, 2003 through April 30, 2005 was sent to the respondent at 1 Riverside Plaza, Hackettstown, N.J.

3. A completed renewal of license application and the corresponding renewal fee was received by the Board prior to or on the April 30, 2005

expiration date. The question as to whether you have completed all of your continuing education credits by April 30, 2005 was answered as "yes." (Attached as Exhibit A and made a part hereof is the page from the application which includes the pertinent question.)

4. On March 10, 2005 the Board received correspondence from the respondent admitting his failure to complete the 50 continuing education courses by the April 30, 2005 renewal date. The respondent admitted that he was short 20 credits. Respondent also requested a six (6) month extension to complete the remaining twenty (20) credits. On March 29, 2005 the Board forwarded a written response to the Respondent granting him a sixty (60) day extension to complete the 20 credits that he was short. Thus, all 20 credits were to be completed by June 30, 2005. (Copies of the March 10, 2005 and the March 29, 2004 letters are attached as Exhibits B and C respectively and made a part hereof.)

5. On April 27, 2005 respondent submitted correspondence informing the Board that he was not able to complete all of his outstanding continuing education credits by June 30, 2005 as he encountered "difficulty finding available courses." He also alleged that in 2003 he was informed by a staff member that he could take an unlimited number of courses over the Internet. Therefore, he is requesting an additional four months to obtain the remaining 16 continuing education credits that are outstanding and that the Board permit him to obtain the remaining 16 credits over the Internet. (A copy of the April 27, 2005 correspondence is attached and made a part hereof as Exhibit D.)

CONCLUSIONS OF LAW

The above facts provide grounds for the suspension or revocation of respondent's license to practice Optometry in New Jersey pursuant to N.J.S.A. 45:1-21(h). In that it is based on findings that the respondent failed to comply with the statutory and regulatory requirements that continuing education be obtained in the preceding biennial period as respondent has not obtained the fifty (50) continuing education credits on or before April 30, 2005 as required by N.J.S.A. 45:1-2-9.2, N.J.S.A. 12:9-3 and N.J.A.C. 13:38-7.1. Respondent also misrepresented on his renewal application that he had completed all fifty (50) continuing education credits as of April 30, 2005 in violation of N.J.S.A. 45:1-21(a).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline proposing to suspend respondent's license to practice Optometry in the State of New Jersey was entered on June 8, 2005 and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore. The Board received a submission from the Respondent evidencing that he completed

20 continuing education courses before the June 30, 2005 deadline. Upon a review of the course materials submitted the Board determined the courses satisfied the requirements of continued education as set forth in the regulations.

ACCORDINGLY, IT IS on this 17th day of August, 2005.

ORDERED that:

1. The respondent's license to practice optometry remains in good standing and is not be suspended as of July 1, 2005 as the respondent has successfully completed the 50 credits required in continuing education for the 2005-2007 biennial registration within the time frame specified in the Provisional Order of Discipline (POD).

2. Respondent is relieved of all liability associated with paying the \$1,000.00 penalty imposed in the POD as he satisfied the condition set forth in the POD that required him to complete the requisite number of continuing education credits within the time frame specified in the order.

3. The credits submitted as a result of the POD are **NOT** to be used to renew respondent's license for the 2007-2009 renewal period.

NEW JERSEY STATE BOARD OF OPTOMETRISTS

By



Mitchell Fink, O.D.
Board President